



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
PSC BOX 8003
CHERRY POINT, NORTH CAROLINA 28533-0003

AirStaO 5101.6M

PMO

08 JUL 2002

AIR STATION ORDER 5101.6M w/ch 1

From: Commanding General, Marine Corps Air Station, Cherry Point
To: Distribution List

Subj: TRAFFIC HEARING PROCEDURES/SUSPENSION AND REVOCATION OF
DRIVING PRIVILEGES

Ref: (a) MCO 5100.19D
(b) MCO 5110.1C
(c) Assimilative Crimes Act (18 U.S.C. 13)
(d) Manual for Court Martial, 1998, Rule of Evidence 315
(e) AirStaO P5560.3C
(f) Mtg between the Station Inspector's Office, Traffic
Hearing Officers, and Provost Marshal's Office, of 17
May 01

Encl: (1) Traffic Enforcement and Traffic Hearing Procedures
(2) Suspension and Revocation of Station Driving Privileges
(3) Temporary Suspension and Acknowledgement of Suspension
of Station Driving Privileges
(4) Traffic Court Hearing Notification
(5) Table of Violations and Administrative Actions
(6) Suspension/Revocation Awareness Letter
(7) Traffic Hearing Memorandum
(8) Traffic Offense Identification Decals
(9) Failure to Report Letter
(10) Off-Station Offense Notification

1. Situation. To publish rules for traffic hearing procedures,
and revocation and suspension of driving procedures for Marine
Corps Air Station (MCAS), Cherry Point and it's outlying auxiliary
landing fields.

2. Cancellation. AirStaO 5101.6L

3. Mission. The Commanding General's (CG) policy is to use all
legal means at his disposal to eliminate avoidable vehicle
accidents. Violators will be educated and disciplined, if
appropriate, by the most effective means available.

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4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) This Order applies to all military personnel, dependants, and civilians operating vehicles within the limits of MCAS Cherry Point; Marine Corps Outlying Landing Field (MCOLEF), Atlantic; and Marine Corps Auxiliary Landing Field (MCALF), Bogue. For this Order, the limits of MCAS Cherry Point are defined to include the government housing areas of Fort Macon Village, Hancock Village, and Slocum Village. As used in this Order, "MCAS" is the acronym used to describe the area known as Marine Corps Air Station, Cherry Point and its auxiliary landing fields over which the Federal Government has exclusive, concurrent, or proprietary jurisdiction.

(b) Driving a privately owned vehicle aboard MCAS Cherry Point is a privilege subject to the sanctions prescribed in this Order.

(c) Although the CG has the ultimate authority to impose sanctions in accordance with the provisions of this Order, the MCAS Traffic Hearing Officer is the primary officer designated by the CG to exercise such authority, with the MCAS Provost Marshal or his authorized designee to temporarily suspend driving privileges.

(2) Concept of Operation

(a) Military police are the agents through whom the CG exercises police power in control of vehicles operating aboard MCAS.

(b) Military police are authorized to stop any vehicle operating aboard MCAS Cherry Point. Probable cause must exist for the stop to be lawful. Personnel must remember that all vehicles operating aboard the Air Station are subject to search.

(c) No person shall willfully fail or refuse to comply with any lawful order or direction of military police vested by regulations with authority to direct, control, or regulate traffic.

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b. Task

(1) The MCAS Provost Marshal will supervise and coordinate the enforcement of all traffic regulations and safe driving practices.

(2) The commanding officer or supervisor of civilian or military personnel convicted of any drug related offense or serious crime involving the use of a vehicle, within State or Federal Law, will notify the Provost Marshal for the purposes of initiating a hearing before the Traffic Hearing Officer.

(3) An individual's U.S. Government Motor Vehicle Operator's Identification Card will be revoked, as indicated, if a finding is made by the Traffic Hearing Officer that the individual committed any of the following offenses (exemptions may be granted under reference (a)):

(a) Manslaughter or negligent homicide. (One-year mandatory suspension)

(b) Fleeing the scene of an accident (hit and run) involving injury or death. (One-year mandatory suspension)

(c) Felony involving the use of a vehicle. (One-year mandatory suspension)

(d) Habitual violator of traffic laws as defined in enclosure (1). (Six months mandatory suspension)


(e) Conviction of DWI or driving with a blood alcohol content of .08 percent or greater. (One-year mandatory suspension)

5. Administration and Logistics. The CG, 2d MAW, and CO's, NADEP, NAVHOSP, and CSSD-21 concur with the contents of this Order insofar as it pertains to members of their command.

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6. Command and Signal

- a. Signal. This Order is effective the date signed.
- b. Command. This Order is applicable to the Marine Corps Reserve.


ANDREW KOWALSKI
Chief of Staff

Distribution: A



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INS

SEP 13 1994

AIR STATION ORDER 5101.6M Ch 1

From: Commanding General, Marine Corps Air Station, Cherry
Point

To: Distribution List

Subj: TRAFFIC HEARING PROCEDURES/SUSPENSION AND REVOCATION OF
DRIVING PRIVILEGES

Ref: (a) ASO P5560.3D

1. Purpose. To delete enclosure (5) from the basic Order.
2. Action. Remove enclosure (5) from the basic Order. All penalties for violations imposed by this Order will be in accordance with the penalties outlined in reference (a).
3. Summary of Changes. Removes current Traffic Court penalties and updates the Order to refer to penalties outlined in reference (a).
4. Filing Instructions. File this Change transmittal immediately behind the signature page of the basic Order.

PAUL J. PISANO
Chief of Staff

DISTRIBUTION: A

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TRAFFIC ENFORCEMENT AND TRAFFIC HEARING PROCEDURES

1. Traffic Enforcementa. Alcohol Countermeasures

(1) Implied Consent and Definition of Driving While Impaired. Any person authorized to operate a vehicle aboard MCAS is considered to have consented to a breath analysis, urine, or blood test to determine blood alcohol content (BAC) if apprehended or detained (civilians are detained) for driving a vehicle or exercising physical control over a vehicle while impaired. The CG has designated such chemical tests as the primary instrument to measure blood alcohol content. However, such designation does not preclude the use of other recognized and reliable tests for measuring a driver's BAC. For the purpose of this Order, the offense of driving while impaired occurs:

(a) When the use of alcohol, narcotic drugs, marijuana, dangerous drugs, controlled substances or other impairing substances impairs the rational and full exercise of the person's physical and/or mental faculties at the time the person drives a vehicle or exercises physical control over the vehicle.

(b) The person drives a vehicle or exercises physical control over the vehicle with a blood alcohol content of .08 percent or greater.

(c) When a person suspected of driving while impaired refuses to submit to a chemical analysis of BAC, the analysis will not be administered. The apprehending/detaining officer will warn the person that refusal to submit to a chemical analysis will result in suspension of driving privileges aboard MCAS for a period of one year. Additionally, the suspect will be informed that such a refusal may result in formal felony charges being brought forward. If such person refuses the request to submit to, or fails to complete the chemical test, the apprehending/detaining officer will complete a sworn statement:

1 There was reasonable cause to believe the individual had been driving or was in physical control of a vehicle aboard MCAS while impaired by the ingestion of alcohol, narcotic drugs, marijuana, dangerous drugs, controlled substances or other impairing substances.

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2 That the person was taken into custody lawfully.

3 That the person refused to submit to or failed to complete a chemical test after being duly requested to take the test.

4 That the person was advised in accordance with the provisions of paragraph 1.a.(2)(b)1-4 herein. Upon receipt of the above sworn statement, the Provost Marshal, a duly authorized military police officer or other duly authorized law enforcement personnel, may issue a notice of temporary suspension of driving privileges to the person pending a preliminary and/or full hearing before the MCAS Traffic Hearing Officer.

(2) Testing. Any military law enforcement official having reasonable grounds to believe that a person has driven or exercised physical control over a vehicle while impaired, may request that such person submit to a field sobriety test. Failure to submit to the test will not result in a revocation of driving privileges, as is the case in refusing to submit to a chemical test.

(a) A person lawfully apprehended/detained for the offense of driving while intoxicated or under the influence or being in actual physical control of a motor vehicle while impaired may request that the law enforcement official administer a chemical test for the purpose of determining blood alcohol content, and, if requested, the law enforcement officer will have a chemical test administered if such test is available. The person may, at no expense to the government, elect to have a qualified person administer a State approved chemical test, in addition to the test administered at the direction of the MCAS law enforcement official in support of actions taken under the provisions of this regulation.

(b) Where the person subject to military apprehension/detention willfully consents to the chemical analysis, the law enforcement official designated to administer the test, or any law enforcement official directed to do so, will inform the person apprehended/detained in writing:

1 The person has the right to refuse to take the test.

2 Refusal to take the test will result in revocation of the person's driving privileges aboard MCAS for one year.

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3 The person may, at no expense to the government, have a qualified person administer a chemical test approved by the State in addition to any administered at the direction of the law enforcement officer.

4 The person does have the right to call an attorney and select a witness to view the testing procedures, but the testing may not be delayed for these purposes longer than 30 minutes from the time you are notified of your rights.

b. Search of Motor Vehicles

(1) All vehicles coming aboard MCAS are subject to being searched, as are vehicles already aboard MCAS. Searches are conducted aboard MCAS to discourage DWI and the introduction of drugs, weapons, and other contraband. Military convoys, military units, group formations or exercise formations under the direct command of a commissioned officer or Staff Noncommissioned Officer (SNCO) are normally excluded from being searched.

(2) Searches based on probable cause will be conducted in accordance with reference (e).

(3) Searches not based on probable cause will be conducted in accordance with MRE 315, reference (d).

c. Processing of Violations

(1) Military traffic citations (DD 1408) may only be issued by military police, and such other persons as the Provost Marshal may authorize in writing.

(2) A military traffic citation will be issued for a traffic violation pursuant to any provision of these regulations. A copy will be furnished to the violator. The original copy will be sent to the MCAS Traffic Hearing Officer. A senior enlisted SNCO and a field grade officer are designated to act as the MCAS Traffic Hearing Officer. Within this Order, both individuals will be referred to as the MCAS Traffic Hearing Officer.

(3) Active duty enlisted personnel, junior to the Enlisted Traffic Hearing Officer, will appear before the MCAS Traffic Hearing Officer (Senior Enlisted SNCO).

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(4) Active duty officers, junior to the Traffic Hearing Officer, retired personnel, family members, and civilians will normally appear before the MCAS Traffic Hearing Officer (field grade officer). This officer shall be appointed in writing by the CG, MCAS Cherry Point.

(5) Officers senior to the Traffic Court Hearing Officer will appear before the Station Chief of Staff/Station Inspector, and senior enlisted will appear before the Station Sergeant Major.

(6) Violations committed by family members, civilians or military retired personnel may also be prosecuted by the U.S. Magistrate or U.S. District Court.

(7) Citations and reports of violations regarding members of the Armed Forces not permanently stationed at MCAS will be forwarded to their commanding officer.

(8) A citation to appear before the MCAS Traffic Hearing Officer or the U.S. Magistrate, when issued by a military law enforcement officer or a person authorized by the CG, will constitute a lawful order for military personnel, and court summons for civilian personnel, the violation of which may, in appropriate cases, result in disciplinary action or other administrative action.

(9) Reports of traffic related court-martial convictions, non-judicial punishment, and Federal or State convictions shall be forwarded to the MCAS Traffic Hearing Officer by the MCAS Provost Marshal for a limited hearing and appropriate action. Such evidence may be utilized by the MCAS Traffic Hearing Officer in determining whether the person's driving privileges aboard MCAS will be revoked or suspended and/or points assessed. Where such evidence is provided to the MCAS Traffic Hearing Officer, the only matters to be resolved at the hearing are whether such convictions or non-judicial punishment were entered in accordance with applicable law and the nature of the penalty to be levied in accordance with the regulations contained herein. In instances where military, Federal, or State authorities elect not to prosecute or punish non-judicially the traffic offender, the MCAS Traffic Hearing Officer may consider the case on its merits, and where a preponderance of the evidence establishes the guilt of the offender, enter such penalties as may be appropriate under this Order.

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d. Illegal Use of Drugs and Drug Related Offenses. The MCAS Traffic Hearing Officer, during a formal Traffic Court Hearing, is authorized to suspend or revoke, as appropriate, the MCAS driving privileges of individuals who have been convicted by Federal, State, local, or military authorities or who have received non-judicial punishment for offenses involving the unauthorized possession, sale, transfer, use, introduction or distribution of narcotics, marijuana, dangerous drugs, or controlled substances. Additionally, a confirmed positive urinalyses, as determined by certified laboratory personnel, in conjunction with the above, may result in a revocation or suspension as deemed appropriate by the Traffic Hearing Officer.

e. Serious Crime Convictions. The MCAS Traffic Hearing Officer, during a formal Traffic Court Hearing, is authorized to suspend or revoke, as appropriate, the MCAS driving privileges of individuals who have been convicted by Federal, State, local, or military authorities, after a felony or if the Hearing Officer determines that the person used a vehicle in the commission of such an offense, have been found guilty by the Traffic Hearing Officer of any non-drug related offense punishable under the UCMJ by death or confinement in excess of one year, wherein a vehicle was used in the commission of the offense. Reports of civil arrests and convictions of off-Station violations of civil law by military personnel will normally be processed by the MCAS Provost Marshal or his designated representative and forwarded to the individual's commanding officer and the MCAS Traffic Hearing Officer.

f. Suspension/Revocations by Civil Authorities. Where the person's driving privileges are suspended or revoked by an appropriate authority, the driving privileges aboard MCAS will be suspended commensurate with the State's action pending a revocation hearing, if desired, before the Traffic Hearing Officer (enclosure (3)). Such action does not preclude the MCAS Traffic Hearing Officer from assessing penalties for the traffic violation that prompted the suspension or revocation of driving privileges in accordance with the provisions of this Order.

2. Duties of MCAS Traffic Hearing Officer

a. Mission and Scope

(1) The MCAS Traffic Hearing Officer is the CG's agent for administering administrative action in the case of traffic violations.

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(2) The Provost Marshal will provide administrative and clerical support to the MCAS Traffic Hearing Officer.

(3) The MCAS Traffic Hearing Officer will establish procedures for conducting hearings. Persons appearing before the MCAS Traffic Hearing Officer will be advised of the reason for their appearance, their right to present evidence, and the results of any administrative action taken.

(4) The MCAS Traffic Hearing Officer may consider all relevant evidence pertaining to the violation and will determine whether the alleged traffic violation warrants administrative action.

(5) Persons appearing before the MCAS Traffic Hearing Officer will be given the opportunity to present evidence and make statements that may be relevant to the case and its disposition; however, the rules of evidence in reference (d) are not applicable. Civilian counsel may appear with any person. Civilian personnel may be accompanied by a personal representative where authorized by law. When persons with essential information regarding a pending traffic case are not readily available (i.e., military police personnel, witnesses), the case will be rescheduled to a later date.

b. Appearance Before the MCAS Traffic Hearing Officer. A copy of the Armed Forces Traffic Ticket will be issued to the violator when cited. The traffic ticket will contain instructions to report to the Pass and Identification section within three working days. The individual may plead guilty or be assigned a date to appear before the MCAS Traffic Hearing Officer. The individual acknowledges this by signing the traffic ticket.

(1) Active Duty Personnel

(a) Upon receiving an Armed Forces Traffic Ticket, all active duty enlisted personnel are directed to have the reverse side of their copy signed by their First Sergeant or Sergeant Major prior to attending traffic court and to bring their copy with them at the time of the hearing.

(b) Commanding officers are responsible for ensuring that violators appear before the MCAS Traffic Hearing Officer at the time and date indicated of the traffic ticket. If the individual or

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military police cannot appear; it is their responsibility to reschedule the appearance. Requests by telephone must be initiated through a designated officer/SNCO. Commanding officers are encouraged to send a unit representative with personnel below the rank of Corporal to observe the proceedings.

(2) Retired Personnel/ Civilian Employees/ Family Members/Civilians

(a) Civilian employees are directed by the instructions on the reverse side of the Armed Forces Traffic Ticket to inform their supervisor of the violation. It is the responsibility of the first line supervisor to ensure the violator appears before the MCAS Traffic Hearing Officer at the time and date prescribed. If it is determined the violator cannot appear as scheduled, the individual is responsible for notifying the Traffic Court Clerk and requesting a new appearance date.

(b) Family members are directed by the instructions on the reverse side of the Armed Forces Traffic Ticket to inform their sponsor of the violation. The sponsor must ensure the violator appears before the MCAS Traffic Hearing Officer at the time and date prescribed. If the violator cannot appear as scheduled, the sponsor is responsible for notifying the Traffic Court Clerk to request a new date. Their sponsor or parent will accompany all juveniles under the age of 18 years cited for traffic violations when they appear before the MCAS Traffic Hearing Officer.

(c) In the case of retired military personnel, civilian employees, family members and civilians, failure to appear for traffic court may result in revocation of driving privileges, debarment, and/or referral to the Special Assistant U.S. Attorney (SAUSA) for prosecution.

c. Hearings. The MCAS Traffic Hearing Officer shall conduct traffic hearings at building 294, HQHQRON classroom, MCAS Cherry Point in accordance with a schedule to be published by the MCAS Traffic Hearing Officer. Enlisted Military Personnel Traffic Court will be held at 0900 every Thursday of the month. Officer and civilian personnel charged with traffic violations will be held at 0800 the first two Thursdays of each month.

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(1) Persons appearing before the MCAS Traffic Hearing Officer shall have in their possession an appropriate Identification Card, the violator's copy of the Armed Forces Traffic Ticket, and any documentation or evidence (to include appearance of witnesses) as is appropriate in properly adjudicating the cited violation.

(2) Military personnel should appear in the uniform of the day, unless military duties dictate otherwise. Civilian personnel will appear in appropriate attire.

(3) Personnel receiving a ticket may plead guilty and accept a voluntary assessment without a hearing before the MCAS Traffic Hearing Officer. The Provost Marshal's Office, Supervisor of Pass and Identification or the Traffic Court NCO and Clerk are authorized to accept guilty pleas for all violations and assess the appropriate penalty for the violation based on the penalty assessed in enclosure (5) of this Order. Once recorded, the individual will sign the entry acknowledging the assessment and that action will be recorded as a conviction on their driving record. All personnel who plead not guilty will appear before the MCAS Traffic Hearing Officer. Failure to appear for a scheduled court appearance will result in an automatic entry of guilt with the maximum penalty assessed and an additional six months suspension of driving privileges.

(4) The MCAS Traffic Hearing Officer may impose the maximum penalty where required under this order, but may not impose a penalty which exceeds the maximum listed for the offense on the Table of Violation and Administrative Action outlined in enclosure (5). In the case of a guilty finding, the number of points listed may be assessed.

(5) Except for mandatory minimum or maximum suspension or revocation periods prescribed by this order, the determination of periods of suspension or revocation is the prerogative of the MCAS Traffic Hearing Officer, subject only to modification directed by the MCAS Inspector in the event the penalty is appealed or by the CG in his capacity as installation commander.

(6) Persons who accumulate 12 traffic points or three moving violations within 12 consecutive months or 18 traffic points within 24 consecutive months, may have their driving privileges revoked for a period of up to two years or suspended for six months at the discretion of the Traffic Hearing Officer.

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(7) The MCAS Traffic Hearing Officer, upon receipt of an arrest report or other documentation of a person driving in violation of a suspension or revocation imposed, shall notify the person that the period of suspension or revocation has been increased by two years. The notice shall inform the person of their right to submit a request for a hearing within seven days to vacate the preliminary increase in penalty, and that the original suspension or revocation shall be permanently increased by a period of two years if such request is not submitted. If the person requests a hearing to vacate the preliminary suspension, it shall be held within seven days of the request. If the official conducting the hearing determines that the allegation of driving under suspension or revocation is supported by a preponderance of the evidence, the original suspension or revocation shall be increased by a period of two years. If not, the preliminary increase in suspension shall be vacated. If in a subsequent judicial, non-judicial or administrative proceeding it is determined that the person did not violate a suspension, the preliminary increase in suspension shall be vacated. The decision of the MCAS Traffic Hearing Officer may be appealed to the MCAS Inspector. In addition to the above, the offender may be subject to disciplinary or administrative action.

(8) Termination of MCAS registration is automatic in revocation except as provided for in this order.

ENCLOSURE (1)

SUSPENSION AND REVOCATION OF STATION DRIVING PRIVILEGES

1. Driving Privileges. The operation of privately owned motor vehicles aboard MCAS constitutes a conditional privilege extended by the CG. In order to operate a vehicle on base, the following conditions must be met:

a. Comply with laws and regulations governing motor vehicle operation aboard MCAS.

b. Be in operation/control of a motor vehicle and produce upon request of military police the following:

(1) A valid active duty, retired, family member, or civilian Identification Card.

(2) Proof of State registration and vehicle ownership.

(3) Valid driver's license.

(4) Valid State safety inspection.

(5) Proof of insurance.

c. Notwithstanding the fact that a vehicle had been properly registered and bears a decal or pass, it shall be a violation of this Order to operate said vehicle aboard MCAS if in fact any item required for the registration of that vehicle has not been fulfilled.

2. Restricted Privileges

a. Applications for restricted driving privileges will be submitted to the Station Inspector via the chain of command with full justification for the request. If the Station Inspector determines that an adverse military impact may result, a restricted driving privilege may be authorized. Under this action, the individual's driving privileges are suspended/revoked except for those minimum requirements, as specified in writing, for driving to and from employment. Should a severe family hardship be involved, the privilege of operating the family vehicle, for instance, to and from such facilities as the hospital, Exchange and Commissary may be substituted or added. Individuals detected in violation of the restricted privilege are subject to action as prescribed by paragraph 4.c. herein.

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b. In lieu of suspension that may be imposed by the Traffic Court, a driver may be placed on probation. During the probationary period, driving privileges may continue unless that person becomes involved in a chargeable accident or moving traffic violation. Either type of involvement shall reinstate the original period of suspension.

c. In the case of revoked/suspended personnel who have driving family members, the Provost Marshal may authorize a special status decal so that the family members may operate the vehicle. In the event the individual is subsequently found guilty of driving while revoked/suspended, the privilege will be withdrawn.

d. The CG or his duly authorized representative may suspend or revoke any driving privilege when deemed appropriate. The military services recognize the primacy of the states in matters pertaining to privately owned motor vehicles administration and driver licensing. In support of these activities and the National Highway Safety Program Standards, the following procedures will be followed:

(1) When state authority suspends or revokes an individual's driver's license, installation-driving privileges are automatically terminated. Administrative actions (suspension/revocation and point assessment) for moving traffic violations committed off the installation will be the same as required for similar offenses if committed aboard the installation. When notified of State action, the CG may also suspend or revoke the individual's U.S. Government Motor Vehicle Operator's Identification Card (SF46). In any case, except as authorized by the CG, authorization to drive a government vehicle will be restricted to the limits of the installation.

(2) When an individual's installation driving privilege are revoked through action initiated by military authority, the Provost Marshal will transmit such information to the appropriate State licensing authority for their information and action in accordance with the laws applicable to that jurisdiction. Actions reported will include withdrawal of driving privileges because of physical or mental disqualification as recommended by a physician. Information to the State will include a complete basis for action.

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3. Suspension of Driving Privileges

a. The MCAS Provost Marshal or his designated representative is authorized to immediately suspend temporarily the driving privileges of active duty military personnel, family members, retired members of the military services, DoD civilian personnel and others with installation driving privileges pending a Traffic Court hearing or plea of guilty in the following circumstances:

(1) Refusal to take or complete a lawfully requested chemical test to determine contents of blood for alcohol or other drugs.

(2) Operating a motor vehicle with a blood alcohol content of 0.08 percent by volume or higher, or driving while impaired due to alcohol or drug ingestion as defined in paragraph 1.a.(1), enclosure (1).

(3) Upon receipt by the Provost Marshal in writing of any military, Federal, State, or local drug related crime conviction. Confirmed positive urinalysis for drug related offenses may be suspended after appearing before the Traffic Hearing Officer.

(4) For any traffic violation listed in enclosure (5), which carries a six (6) month or more suspension or revocation, or when the Provost Marshal or his designated representative deems it necessary to suspend driving privileges.

b. Prior to temporarily suspending driving privileges as indicated in paragraph 3.a. above, the Provost Marshal or his designated representative will review the best evidence available, to include statements of witnesses, military or civilian police reports, court results, the results of a chemical test, and the statement of the alleged offender, including evidence the person refused to consent to chemical testing and the rights advisements pertaining thereto, and other evidence as may be relevant.

c. Temporary suspension will become effective immediately after notification of such suspension.

(1) Written notice of the temporary suspension will be provided to active duty military personnel and civilian personnel without delay. A copy of notice of temporary suspension will be forwarded to the commanding officer of active duty military personnel and to the military or civilian supervisor of civilian personnel.

ENCLOSURE (2)

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(2) A notice of temporary suspension will be provided in writing and will include the following advice and notification of rights.

(a) An advisement that temporary suspension may become a permanent suspension or revocation for a specific period of time if such penalty is assessed by the MCAS Traffic Hearing Officer at a full hearing.

(b) The right to request, in writing, a preliminary hearing before the MCAS Traffic Hearing Officer to determine if the temporary suspension should be vacated pending resolution of the matter by the MCAS Traffic Hearing Officer. That failure to request a preliminary hearing will result in a continuation of the temporary suspension until there has been a criminal, non-judicial or administrative resolution. The notice of temporary suspension shall include the arrest report or other documentation and shall inform the person that a permanent one year revocation shall be imposed upon conviction, imposition of non-judicial punishment or as the result of refusing to be administered a chemical test upon probable cause the person was driving while impaired, or in the absence of such conviction or non-judicial punishment, where the MCAS Traffic Hearing Officer assesses such penalty based upon a finding the offense(s) was committed.

(c) The right of a federal civilian employee to have a personal representative present at the preliminary hearing where authorized by regulations.

(3) The preliminary hearing shall be conducted by the MCAS Traffic Hearing Officer within ten (10) working days upon receipt of the request or the temporary suspension will be vacated. In the event a full hearing can be conducted within the ten (10) day period, there is no requirement for a preliminary hearing.

(4) The temporary suspension shall be continued at the preliminary hearing if the MCAS Traffic Hearing Officer determines there is probable cause to believe:

(a) The law enforcement official had reasonable grounds to believe, and the evidence established that, the person was driving or in actual physical control of a vehicle while impaired as the result of ingesting alcohol, narcotic drugs, marijuana, dangerous drugs, controlled substances or other impairing substances.

ENCLOSURE (2)

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(b) The apprehension/detention was lawful.

(c) The person was lawfully requested to submit to a reliable chemical test and the procedures in paragraph 1.a.(1)(b) and 1.a.(2)(b) 1-5, enclosure (1), were complied with by the law enforcement officer.

(d) The person refused to submit to the chemical test or having submitted, refused or failed to complete the test, or submitted to the test and result was .08 or more blood alcohol content.

(e) The occurrence of the drug related crime conviction or the positive urinalysis test result is confirmed and documented.

4. Revocation of Driving Privileges

a. Driving privileges are subject to revocation when an individual fails to comply with any of the conditions requisite to the granting of the privilege as set forth in reference (e).

b. Driving privileges will be revoked for a mandatory period of not less than one (1) year in the following circumstances:

(1) A final determination is made that the individual refused to submit to or complete a test to measure the alcohol content in the blood or detect the presence of any other drug.

(2) A conviction, non-judicial punishment or a military, or civilian administration of such conviction is required as the bases for revocation.

(3) When a person is involved in the sale or possession of drugs or controlled substances on or off MCAS.

(4) When a temporary suspension is followed by a revocation, the period of revocation is computed from the date the original suspension was imposed, exclusive of any period during which driving privileges may have been restored pending resolution of charges.

c. Driving privileges are subject to revocation for a period of not less than two years if a person is apprehended while driving on the installation while a suspension/revocation of their driving privileges is in effect.

ENCLOSURE (2)

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5. Administrative Due Process for Suspensions and Revocations and Point Assessment. Except as provided herein, suspension/revocation of driving privileges or assessment of points, will not be effected until the MCAS Traffic Hearing Officer or representative thereof, notifies the individual in writing of:

- a. The nature of the offense committed.
- b. The mandatory/discretionary penalty or mandatory point assessment pertaining to said offense.
- c. That such penalty or point assessment may be levied by the Traffic Hearing Officer without a hearing, based upon the evidence of record, unless within ten (10) days upon receipt of the written notification, the individual makes an application, in writing, for a full hearing, or the matter is otherwise disposed of under paragraph 2.c.(3), enclosure (1).

(1) Where the individual makes written application for a full hearing within the time allotted, such application shall stay any action by the Traffic Hearing Officer to prescribe penalties or assess points until such time as the individual has been granted a full hearing and is notified of such penalty or point assessment, except in cases involving the temporary suspension of driving privileges under paragraph 3, herein, which is governed by the rules contained therein.

(2) Where an application for a full hearing is not timely made, in writing, the Traffic Hearing Officer may enter the penalty or point assessment appropriate, given the nature of the offense, on the basis of the evidence of record, without affording the individual a full hearing in accordance with the requirements of this order.

(3) Where the individual requests a full hearing, it is the individual's responsibility to be present at the time and place prescribed and be prepared to present relevant evidence, or notify the Traffic Hearing Officer if the individual is unable to attend the full hearing at the time and place prescribed, with full justification therefore, and request that a new hearing date be set.

(4) Where such notifications not provided by the individual and the individual does not appear at the time and place prescribed, the Traffic Hearing Officer may enter the appropriate penalty or

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point assessment, given the nature of the offense, on the basis of the evidence of record, without affording the individual a full hearing. However, where the individual duly notifies the Traffic Hearing Officer of the individual's inability to attend the full hearing at the time and date designated with justification therefore, the Traffic Hearing Officer will normally grant the request for a continuance and reschedule the hearing. A second request for a continuance of failing to appear at the rescheduled hearing, without justification, at the discretion to the Traffic Hearing Officer, is grounds for denying the continuance request and requiring the individual to be present at the rescheduled hearing or in the unjustified absence of the individual, entering the penalty or point assessment appropriate, given the nature of the offense, on the basis of the evidence of record, without affording the individual a full hearing.

d. Suspension or revocation of driving privileges and point assessment shall be levied in accordance with the provisions of this order where clear and convincing evidence supports the charge(s). The suspension or revocation shall become effective immediately upon receipt of written notification of such action. An individual whose driving privileges are suspended or revoked will have the right to request consideration as specified in subparagraph 2.c. herein, and enclosure (6).

e. Hearings conducted on revocation actions under paragraph 1.a. (implied consent), enclosure (1), will address only the issue of whether there is a preponderance of the evidence that the Government complied with the requirements set forth in subparagraphs 3.c. (4) (a) (d) herein.

f. If the person's driving privileges are suspended or revoked at the conclusion of the full hearing, the person shall have the right to appeal or request reconsideration. Where the person did not request a full hearing before the MCAS Traffic Hearing Officer, no appeal is authorized. The MCAS Traffic Hearing Officer shall notify the person in writing of the right to appeal the suspension or revocation of driving privileges and/or assessment of points; that the appeal must be submitted to the Station Inspector within fifteen (15) working days from the date the person is notified in writing of the suspension or revocation and/or points assessment will remain in effect pending final ruling on the appeal.

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(15) working days from the date the person is notified in writing of the suspension or revocation and/or points assessment will remain in effect pending final ruling on the appeal.

g. Where the penalty is appealed, the MCAS Traffic Hearing Officer will prepare a summarized record of proceedings, including all allied documents, and forward it to the MCAS Inspector. The person appealing the penalty assessment does not have the right to a hearing before the MCAS Inspector, although a hearing may be conducted at the discretion of the Station Inspector. The Station Inspector's decision is final subject only to review by the installation commander should he elect to take such action.

h. The Traffic Hearing Memorandum contained in enclosure (7) shall be distributed weekly to **affected unit Sergeants Major** by the MCAS Traffic Hearing Officer to inform the persons indicated therein of case disposition.

i. Where driving privileges have been suspended or revoked, the Provost Marshal's Office will affix to the person's vehicle a special permit in accordance with the depictions indicated in enclosure (8) to designate limited driving privileges and to provide driving privileges to the spouse or lawful family member of the person whose driving privileges have been revoked or suspended, if such persons are otherwise qualified.

6. Reinstatement of Driving Privileges

a. Persons whose driving privileges have been revoked through the provisions of this Order may not apply for reinstatement until they can provide documented proof that they have been re-licensed by the State or district revoking the privilege. Applications for reinstatement for military personnel will be submitted to the Station Inspector via the chain of command; civilian personnel will submit directly to Station Inspector; with full justification for the reinstatement and evidence of having completed a Remedial Driving Training course as described in paragraph 11 herein.

b. Military personnel whose driving privileges have been revoked because of one DWI conviction will provide a counseling certification from the SACC.

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c. Military personnel with repeated alcohol offenses will provide a certification of rehabilitation from the SACC.

d. Civilian personnel will provide certificate of alcohol counseling.

e. Persons whose driving privileges have been suspended through the provisions of this Order for six (6) months or less will automatically have their driving privileges reinstated at the end of their suspension period.

7. Reinstatement of Driving Privileges on Acquittal. When an official report pertaining to driving while intoxicated indicates a finding of not guilty or that the charges have been dismissed or reduced to an offense not amounting to intoxicated driving, or that an equivalent determination has been made in a non-judicial punishment proceeding or military or civilian administrative action, the suspension of driving privileges will be vacated except in cases in which;

a. The preliminary suspension was based on a refusal to submit to a chemical analysis of BAC.

b. The preliminary suspension resulted from a BAC test (unless disposition of the charges was based on invalidity of the BAC test). When a valid BAC test is involved, the suspension will continue pending a hearing before the Station Inspector. At the hearing, all legal and administrative documentation as well as information presented by the individual or any other information the Station Inspector may deem appropriate, will be considered.

c. The person was driving or in actual control of a motor vehicle while under a preliminary suspension or revocation.

d. The individual has failed to complete a formally directed substance abuse or driver's training program.

e. An administrative determination has been made by the State licensing authority to suspend or revoke the driving privilege.

8. Responsibilities of Commanding Officers or Supervisors

a. Action taken by the MCAS Traffic Hearing Officer does not relieve commanding officers or supervisors of their responsibility

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for administrative or disciplinary action, as appropriate, against military personnel or civilian employees.

b. Commanding officers will determine whether the U.S. Government Motor Vehicles Operator's Identification Card should be revoked for a period of six (6) months for serious offenses as set forth in paragraph 6.b. of enclosure (2) to this order, and make an appropriate recommendation to the Traffic Hearing Officer.

c. The commanding officer or supervisor of any individual convicted of any drug related offense or other serious crime will notify the Provost Marshal for purposes of initiating a hearing before the Traffic Hearing Officer.

9. Transfer of Records. Where the person's driving privileges have been suspended or revoked or points assessed, the person's driving record will be forwarded to the Provost Marshal of the gaining installation upon transfer of the person. Family member driving records will also be forwarded to the sponsor's gaining installation.

10. Table of Violations and Administrative Actions. This system provides an impartial and uniform administrative device for evaluating driver performance. The system is not a disciplinary measure or substitute for punitive action and is not intended to interfere with the CG's prerogative to issue, suspend, revoke, or deny ones MCAS driving privileges for good cause.

a. Upon finding that the person did in fact commit an infraction, the points indicated in enclosure (5) will be assigned without exception. This table also indicates mandatory penalties of suspensions/revocations for certain offenses. Other penalties are not mandatory, but represent the maximum authorized.

b. The point system applies to military and civilian personnel operating Government vehicles on or off MCAS, to military personnel operating privately owned vehicles on or off MCAS, and to family members, civilian employees, retirees, and all other individuals subject to this Order operating privately-owned vehicles on MCAS.

c. The point system is not applicable in cases of non-moving violations.

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d. When two or more related violations are committed on a single occasion, points will be assessed for the one offense having greater value. If a violator commits a series of unrelated offenses, on a single occasion, the MCAS Traffic Hearing Officer may, at his discretion, assess points for each unrelated offense.

e. Suspension of driving privileges based upon accumulation of traffic points will be for not less than six months.

f. Points assessed against an individual will remain in effect for point accumulation purposes for a consecutive 24 month period or until separation from the services or final termination of employment, whichever occurs first. (This does not apply in cases of immediate reenlistment, change of officer component, military retirement or continuation of vehicle registration as a retiree or reemployment as a civilian). The termination of a revocation period will, of itself, cause the mandatory removal from the driver record of all points assessed prior to the action withdrawing driving privileges.

g. Removal of points does not constitute authority to remove driver record entries for moving violations, chargeable accidents, suspension or revocations of driving privileges. Driver record entries will remain posted on individual driver records for periods as specified below:

(1) Chargeable non-fatal traffic accidents/moving violations - 3 years.

(2) Non-mandatory suspension or revocations - 5 years.

(3) Mandatory revocation - 7 years.

11. Remedial Driver Training. Personnel identified as problem drivers will be required to attend a Remedial Driver Training Program. The course curriculum is designed to improve driver performance and compliance with traffic laws. Remedial Driver Training is conducted at Bldg. #4335, Station Training. The Joint Safety Office should be contacted concerning dates and times.

a. Assignment to attend Remedial Driver Training may be directed by the CG, MCAS Cherry Point, 2d MAW or the Traffic Hearing Officer as circumstances warrant. Unit commanders and civilian supervisors

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may send their personnel to attend this training as they deem appropriate. This will be done by submitting a written memorandum to the Director of Training, Bldg 5335 requesting assignment of the individual involved.

b. The MCAS Traffic Hearing Officer will assign Remedial Driving Training, in addition to penalties and/or points assessed, to all active duty military personnel who:

(1) Are found to have exceeded the prescribed speed limit by 20 miles per hour or who are grossly negligent in operating a vehicle.

(2) Are found to have driven while impaired or intoxicated.

(3) Are found to have committed two or more moving violations within a consecutive 12-month period.

(4) Are found to have committed a traffic violation, which resulted in injury to persons or damage to property in excess of \$500.00.

c. Completion of the Remedial Driver Training course is mandatory prior to restoration of MCAS driving privileges where such privileges have been revoked.



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UNITED STATES MARINE CORPS
SECURITY DEPARTMENT
Marine Corps Air Station
PSC BOX 8035
Cherry Point, North Carolina 28533-0035

5530
PMO
DATE

From: Provost Marshal, Marine Corps Air Station, Cherry Point
To:

Subj: TEMPORARY SUSPENSION AND ACKNOWLEDGEMENT OF SUSPENSION OF
STATION DRIVING PRIVILEGES

1. Your driving privileges aboard MCAS, Cherry Point, North Carolina, have been temporarily suspended for the reason(s) indicated:

____ You were apprehended for Driving While Intoxicated/Driving Under the Influence (BAC ____%) and your driving privileges are temporarily suspended pending an appearance before the Station Traffic Court Hearing Officer.

Initials

____ You refused to submit to a breathalyzer test and your driving privileges are temporarily suspended pending your appearance before the Station Traffic Court Hearing Officer or Federal Magistrate.

Initials

____ You are suspected of a drug violation while operating a motor vehicle and you refused to voluntarily submit to a urinalysis.

Initials

____ You were apprehended while driving on State Revocation or Suspension in the state of _____.

Initials

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Other: _____

Initials

2. This suspension is temporary pending your appearance before the MCAS Traffic Hearing Officer.
3. You are directed to report to Building #251, Pass and Registration Section within three (3) working days to schedule a traffic court date to appear before the MCAS Traffic Court Hearing Officer.
4. This temporary suspension is effective immediately upon receipt of this notification.
5. You are advised that your temporary suspension may become a permanent suspension or revocation, for a specific period of time, if such penalty is assessed by the MCAS Traffic Hearing Officer at a full hearing.
6. You have the right to request, in writing, within five (5) working days of this notification, a preliminary hearing before the MCAS Traffic Court Hearing Officer, to determine if the temporary suspension should be vacated pending resolution of the matter by the Traffic Court Hearing Officer at a full hearing. Failure to request a preliminary hearing will result in the continuation of this temporary suspension until there has been a judicial, non-judicial, or administrative resolution.
7. Federal civilian employees have the right to have a personal representative present at the preliminary hearing where authorized by regulation.

PROVOST MARSHAL

ENCLOSURE (3)

08 JUL 2002

I hereby acknowledge that my Station Driving Privileges have been temporarily suspended as a direct result of the violation(s) indicated on the reverse side of this form. I understand that, if married, I must report to Vehicle Registration within 24 hours to have a restricted decal affixed to my vehicle. I also understand that only my legally licensed dependents may operate my vehicle(s). If single, I understand that I am to cause my vehicle(s) to be removed from government property immediately. Further, should I fail to comply with these orders; I understand this will result in my vehicle(s) being impounded at my expense. I understand that I am not to operate any motor vehicle on any portion of government property that includes, but is not limited to:

- a. Marine Corps Air Station, Cherry Point or;
- b. Any housing area of Marine Corps Air Station, Cherry Point or;
- c. The area located on Hwy 101, adjacent to Marine Corps Air Station, Cherry Point, known as Military Park or;
- d. MCALF, Bogue Field, NC or;
- e. MCALF, Atlantic Field or;
- f. Camp Lejeune and its housing areas or;
- g. New River Air Station and its housing areas.

Patrolman: _____
Violator: _____

Witness: _____ Date: _____
Time: _____

NOTE: The unit representative must sign as a witness at the time of release.

MCAS 5560/2 (7-99)

ENCLOSURE (3)



SECURITY DEPARTMENT
PASS AND REGISTRATION DIVISION
Marine Corps Air Station
PSC BOX 8035
Cherry Point, North Carolina 28533-0035

AirStaO 5101.6M

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From: Traffic Court Clerk
To:

SUBJ: TRAFFIC COURT HEARING NOTIFICATION

Ref: (a) MCO 5110.1C
(b) ASO 5101.6M

1. You were cited on _____ for the following violation(s) _____
2. Reference (a) states that if found guilty of the above violation(s), you could receive a maximum of _____ points against your driving privileges and/or a _____ day/month discretionary/mandatory suspension/revocation of your driving privileges aboard all military installations, as determined by the Traffic Court Hearing Officer.
3. You must select one of the following options and initial by your choice:

_____ a. Plead guilty and receive the maximum penalty allowed as listed above.

_____ b. Attend a full hearing before the Traffic Court Hearing Officer on _____ at _____ in the H&HS Classroom, Bldg 294.
4. Continuances must be requested 48 hours prior to the assigned court date by either your NCOIC or OIC if military, by contacting the Traffic Court Clerk at 466-4683/4687. Second continuances for military personnel will only be granted when requested by the Command Sergeant Major, Executive Officer, or Commanding Officer.
5. I understand that failure to appear on the above date at the time indicated without just cause, will constitute a Failure To Appear

ENCLOSURE (4)

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(FTA) which will result in a mandatory additional six (6) month suspension/revocation of my base driving privileges in addition to the maximum penalties without further action.

Signature of Traffic Court Clerk

Signature of Individual

MCAS 5850/1 (Rev 2-94)

ENCLOSURE (4)

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

CODE NO.	VIOLATION	ADMINISTRATIVE ACTIONS (POINTS, SUSPENSION / REVOCATION, ETC.)
001	Manslaughter (or negligent homicide by vehicle) resulting from the operation of a motor vehicle.	Revocation, 1 year mandatory
002	Driving while Impaired (DWI), to include but not limited to driving with a BAC or .08 or more.	Revocation, 1 year mandatory. Revocation for an additional 2 years for each subsequent DWI within a 5-year period.
003	Guilty of any non-drug related offense punishable under the UCMJ by death or confinement in excess of one year, wherein a vehicle was used in the commission of a felony.	Revocation, 1 year mandatory
004	Fleeing the scene of an accident (hit and run) involving death or personal injury.	Revocation, 1 year mandatory
005	Perjury or false statement under oath to responsible officials or under law relating to the ownership or operation of motor vehicle.	Revocation, 1 year mandatory
006	Unauthorized use of a motor vehicle belonging to another, which act does not amount to a felony.	Revocation, 1 year mandatory
007	Operating a vehicle while under suspension/revocation of driving privileges or in violation of current/limited restrictive driving privileges.	Revocation, 2 year mandatory
008	Possession, sale, use, introduction, or distribution of narcotics, marijuana, dangerous drugs, or controlled substances.	Revocation, 1 year mandatory
009	Refusal to submit to chemical test (implied consent).	Revocation, 1 year mandatory

ENCLOSURE (5)
Ch 1 (13 Sep 2004)

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

CODE NO.	VIOLATION	ADMINISTATIVE ACTIONS (POINTS, SUSPENSION / REVOCATION, ETC.)
010	Incompetent to drive a motor vehicle (mental or physical impairment).	Suspension for a period of 6 months or less or revocation for a period not to exceed 1 year is discretionary.
011	Committed an offense off-station, which would be grounds for suspension/revocation on station.	Suspension for a period of 6 months or less or revocation for a period not to exceed 1 year is discretionary.
012	Permitted an unlawful or fraudulent use of an official driver's license.	Suspension for a period of 6 months or less or revocation for a period not to exceed 1 year is discretionary.
013	Fleeing or attempting to elude a military police vehicle.	Suspension for a period of 6 months or less or revocation for a period not to exceed 1 year is discretionary.
014	Conviction for racing on the highway.	Suspension for a period of 6 months or less or revocation for a period not to exceed 1 year is discretionary.
015	Reckless driving (willful) and wanton disregard for the safety of persons or property.	Suspension, 90 days mandatory. Suspension, more than 90 days for repeat offenders (period in excess of 90 days at discretion of Traffic Court Officer).
016	Owner knowingly and willfully permitting another to operate a vehicle when physically impaired.	6 points
017	Fleeing the scene of an accident (hit and run) involving damage to property of another.	6 points
018	Speed contests.	6 points
019	Speeding 1 - 10.9mph above the posted speed limit.	3 points
020	Speeding 11 - 14.9mph or more above the posted speed limit.	4 points
021	Speeding 15mph or above the posted speed limit.	Suspension, 90 days mandatory. Suspension, more than 90 days for repeat offenders (period in excess of 90 days at discretion of Traffic Court Officer).
022	(Intentionally left blank)	
023	Speed too fast for conditions.	2 points

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

CODE NO.	VIOLATION	ADMINISTRATIVE ACTIONS (POINTS, SUSPENSION / REVOCATION, ETC.)
024	Operation below the minimum limits, or at such a slow speed as to impede the normal and reasonable movements of traffic, unless required.	2 points
025	Following too closely.	4 points
026	Failure to yield the right of way to an emergency vehicle giving an audible or visual warning.	4 points
027	Passing a stopped school bus either with special signals flashing or in the act of discharging or getting ready to discharge or admit passengers.	6 points
028	Failure to obey traffic signs of signals or instructions of traffic control officers or road guards.	4 points
029	Improper passing or improper lane usage (to include crossing solid yellow lines and passing troops in formation without express permission).	4 points
030	Failure to yield right of way (no official signs involved).	4 points
031	Improper tuning (no official signs involved).	3 points
032	Driver involved in accident deemed responsible (will only be added after the Traffic Court Judge has deemed a driver responsible for a traffic accident).	1 point
033	Allowing a revoked or suspended person to operate your motor vehicle.	Suspension, 6 month discretionary.
034	Failure to comply with Traffic Court Requirements.	Indefinite suspension (may be dismissed by Traffic Court Judge when problem is corrected).

ENCLOSURE (5)
Ch 1 (13 Sep 2004)

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

CODE NO.	VIOLATION	ADMINISTRATIVE ACTIONS (POINTS, SUSPENSION / REVOCATION, ETC.)
035	Fraudulent application for, use of, or alteration of state tags, station decal or pass.	Suspension, 6 months discretionary.
036	Driving without a valid driver's license/no driver's license in possession (if proof of valid license shown within 72 hours, charge may be dismissed).	Suspension, 6 months discretionary.
037	Habitual violation of traffic laws or regulations (3 moving violations within 12 months; accumulation of 12 points in a 12 month period, accumulation of 18 points in a 24 month period).	Suspension, 6 months discretionary.
038	Allowing an unlicensed person to operate a vehicle, or allowing a person under the age of 16 to operate a moped.	Suspension, 6 months discretionary.
039	(Intentionally left blank)	
040	(Intentionally left blank)	
041	(Intentionally left blank)	
042	Illegal U-turn (posted sign present).	4 points
043	Operating a motor vehicle on a sidewalk, seeded area, or unauthorized area.	3 points
044	Operating a vehicle so loaded or crowded with passengers or property, or both, as to obstruct the operator's view or restrict or impair the proper operation of the vehicle.	3 points
045	Failure to make a safe movement.	3 points
046	Failure to properly inspect for and /or remove FOD from vehicle.	Suspension, 30 days minimum, 1 year maximum.
047	Operator failing to drive over FOD shaker.	Suspension, 30 days minimum, 1 year maximum.
048	(Intentionally left blank)	
049	Improper towing a vehicle	3 points

ENCLOSURE (5)
Ch 1 (13 Sep2005)

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

CODE NO.	VIOLATION	ADMINISTRATIVE ACTIONS (POINTS, SUSPENSION / REVOCATION, ETC.)
050	Operating loaded vehicle without material properly secured (materials failing form loaded vehicle).	3 points
051	Failure to signal or giving improper signal.	3 points
052	(Intentionally left blank)	
053	Owner allowing the operation of a POV, other than by a licensed family member, without providing the operator with express written <u>permission</u> to operate the vehicle.	Suspension, 30 days discretionary.
054	Operating a vehicle owned by another, except a licensed family member of the owner, without possession of the owner's express <u>written permission</u> to operate that vehicle.	Suspension, 30 days discretionary.
055	(Intentionally left blank)	
056	Open alcoholic beverage container in the vehicle.	Suspension, 2 months discretionary.
057	Prohibited equipment (each violation). First offense Second offense Third offense	1 st - Warning 2 nd - Suspension, 15 days 3 rd - Suspension, 90 days
058	Failure to comply with Air Station vehicle requirements (non-moving violations).	Suspension, 30 days discretionary.
059	Throwing litter from a vehicle.	Suspension, 3 months discretionary.
060	Failure to use lights as required.	3 points
061	(Intentionally left blank)	
062	(Intentionally left blank)	
063	(Intentionally left blank)	
064	Blocking traffic.	3 points

ENCLOSURE (5)
Ch 1 (13 Sep 2004)

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

CODE NO.	VIOLATION	ADMINISTRATIVE ACTIONS (POINTS, SUSPENSION / REVOCATION, ETC.)
065	Failure to use child restraint devices. First offense Second offense Third offense	1 st - 3 points 2 nd - Suspension, 1 month mandatory. 3 rd - Suspension, 6 months mandatory.
066	Failure to keep right	3 points
067	Failure to use or improper use of safety devices (seatbelts or shoulder harness). First offense Second offense Third offense	1 st -Suspension, 7 days mandatory and attendance of 4-hour remedial driver class. 2 nd - Suspension, 30 days mandatory. 3 rd - Suspension, 6 months mandatory.
068	Driving left of center.	3 points
069	Failure to give way to overtaking vehicle.	3 points
070	(Intentionally left blank)	
071	Failure to maintain insurance First offense Second offense Third offense	1 st - Suspension, 30 days discretionary. 2 nd - Suspension, 6 month discretionary. 3 rd - Revocation, 1 year discretionary.
072	Leaving vehicle unsecured (failure to put transmission in park or gear and set parking brake).	3 points
073	Illegal parking First offense Second offense Third offense	1 st - Warning 2 nd - Suspension, 15 days discretionary. 3 rd - Suspension, 30 days discretionary.
074	Other moving violations not listed.	3 points
075	Violation of state registration.	Suspension, 30 days discretionary.
076	Child left unattended in vehicle (under 10 years or under 12 years if younger children present).	Suspension, 30 days discretionary.
077	Defective equipment (each violation). First offense Second offense Third offense	1 st - Warning 2 nd - Suspension, 15 days discretionary. 3 rd - Suspension, 30 days discretionary.

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

CODE NO.	VIOLATION	ADMINISTRATIVE ACTIONS (POINTS, SUSPENSION / REVOCATION, ETC.)
078	Picking up or discharging passengers on roadway.	3 points
079	Vehicle repairs (non-emergency) on roadways, streets, parking lots/spaces.	Suspension, 15 days discretionary.
080	Failure to report the involvement in a traffic accident regardless of the amount of damage(s).	Suspension, 30 days discretionary.
081	(Intentionally left blank)	
082	(Intentionally left blank)	
083	(Intentionally left blank)	
084	Violation of Air Station Registration Provisions.	Suspension, 15 days discretionary.
085	Use of subterfuge to gain selective parking in carpool program.	Suspension, 30 days discretionary.
086	(Intentionally left blank)	
087	(Intentionally left blank)	
088	(Intentionally left blank)	
089	Motorcycles riding two or more abreast in the same lane.	3 points
090	Violation of mandatory motorcycle Protective clothing and safety equipment requirements.	3 points
091	(Intentionally left blank)	
092	Knowingly violating any motorcycle equipment regulation of this order.	Suspension, 30 days discretionary.
093	(Intentionally left blank)	
094	(Intentionally left blank)	
095	(Intentionally left blank)	
096	(Intentionally left blank)	
097	(Intentionally left blank)	
098	(Intentionally left blank)	
099	Driving a motor vehicle while under the influence of any other drug (including alcohol) to the degree rendered incapable of safe vehicle.	Revocation, 1 year mandatory. Revocation for an additional 2 year for each subsequent offense within a 5-year period.
100	(Intentionally left blank)	

ENCLOSURE (5)
Ch 1 (13 Sep 2004)

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

CODE NO.	VIOLATION	ADMINISTRATIVE ACTIONS (POINTS, SUSPENSION / REVOCATION, ETC.)
101	Driving after consuming alcohol while under the age of 21.	Revocation, 1 year mandatory. Revocation, until the age of 21 (if longer than 1 year) discretionary.
102	(Intentionally left blank)	
103	Stopping in an intersection causing traffic to be obstructed.	4 points
104	Violation of a "One Way" sign.	4 points
105	Excessive noise originating from within a motor vehicle First offense Second offense Third offense	3 points 4 points 5 points
106	Unauthorized use of a radar detection device.	3 points
107	Failure to display valid state safety inspection certification.	Suspension, 30 days discretionary.
108	Operating a vehicle while wearing headphones. First offense Second offense Third offense	3 points 4 points 5 points

08 JUL 2002

SECURITY DEPARTMENT
MARINE CORPS AIR STATION
CHERRY POINT, NORTH CAROLINA 28533

Date

From: Traffic Court Hearing Officer, MCAS Cherry Point, North
Carolina

To:

Subj: SUSPENSION/REVOCATION AWARENESS LETTER

Ref: (a) MCO 5110.1
(b) ASO 5101.6M
(c) ASO P5560.3C

1. Per the references, your driving privileges aboard Marine Corps Air Station Cherry Point, North Carolina, and all other federal reservations, to include their surrounding housing areas and all outlying fields, have been suspended/ revoked.

From:

To: Traffic Court Hearing Officer, MCAS Cherry Point, North
Carolina

1. I am aware that:

a. I am forbidden to operate a motor vehicle, nor will I allow anyone other than my properly licensed spouse or dependent children to operate my motor vehicle aboard this or any other military installation, to include their housing areas and outlying fields. Further, I understand the area known as Military Park, located on the south side of Hwy. 101 and the paved areas adjacent to Bldg. #251 (Main Gate) cannot be used for parking or staging my vehicle at any time.

b. Attempts by me to obtain a base registration in the form of a Visitor Pass, Temporary Pass or decal for any vehicle during my suspension/revocation period will result in an additional revocation.

c. I understand that I may appeal this suspension/revocation by submitting an Administrative Action Form to the Commanding General

ENCLOSURE (6)

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(Attn: Station Inspector) Marine Corps Air Station Cherry Point, North Carolina, via the appropriate chain of command within fifteen working days. Non-military persons may utilize a standard business letter.

d. I understand that if I am serving a Mandatory suspension/revocation that once I have completed the first half of my suspension/revocation, I may use the above mentioned process to request restricted privileges for the remainder of my suspension/revocation.

e. I understand that prior to operating a vehicle aboard any military installation, I must follow the below listed procedures in order to be fully reinstated, once my suspension/revocation period is completed.

(1) Revocation: Request reinstatement by following the stated procedure in subparagraph (c).

(2) Suspension: No further action. Driving privileges automatically reinstated.

f. I understand that I have to report to Pass and Registration, Bldg 251, within 24 hours to have my decal(s) appropriately modified/scraped.

g. I understand that my licensing state will be notified of my revocation, and that they may take action concerning my driving record and/or driving privileges off-station.

DEFENDANT SIGNATURE:

HEARING OFFICER SIGNATURE:

ENCLOSURE (6)

08 JUL 2002

TRAFFIC HEARING MEMORANDUM

From: Traffic Court Hearing Officer
To: Commanding Officer / Supervisor / Dept. Head / Sponsor

Subj: TRAFFIC VIOLATION NOTIFICATION; CASE OF

Ref: (a) MCO 5110.1C
(b) AirStaO 5101.6M
(c) AirStaO P5560.3C

Violation(s): _____

1. The subject person appeared before the Air Station Traffic Court Hearing Officer and the following action has been taken:

() Driving privileges have been suspended from _____ to _____.

() Driving privileges have been revoked from _____ to _____.

() Driving privileges have been placed on probation from _____ to _____.

() Driving privileges have been assessed _____ points.

() Ordered to attend Remedial Driver Training. Failure to Report to Traffic Court Clerk with proof of completion by _____ will result in an indefinite suspension of your base driving privileges.

() Warning

() Dismissed

2. Recommendations:

() Referred to the Commanding Officer.

() Referred to Supervisor/Department Head.

ENCLOSURE (7)

AirStaO 5101.6M
06 JUL 2002

() Recommend that Government Operator's Permit (OF 346) be suspended for ____ days/months.

3. Subject has been directed to report to the Pass and Registration Office, Bldg. #251 within twenty four (24) hours to have his/her vehicle(s) decal modified as indicated below:

() Suspended Male / Female decal.

() Indefinite Revocation (until cleared by Traffic Court Clerk).

() Remove decal and remove the vehicle from MCAS, Cherry Point.

() Park only.

(Violator's signature and date)

(Signature of Traffic Hearing Officer)

REINSTATEMENT AND APPEAL PROCEDURES

REINSTATEMENT: Persons having their driving privileges suspended or revoked will report to the Pass & ID Office for automatic reinstatement of their privileges on the day following the last day of the suspension.

APPEALS; Any person desiring to appeal an administrative penalty awarded by the Traffic Hearing Officer or the Provost Marshal, as specified above, may do so. All appeals will be submitted in writing, supported by statements of witnesses or other documents, as appropriate, to the CG, MCAS Cherry Point (Attn: Station Inspector) through the chain of command, within ten (10) working days of the hearing. Penalties assessed will commence on the date of the action by the Traffic Court Hearing Officer.

GENERAL INFORMATION: Personnel are requested to carry a copy of this letter in the vehicle at all times and present it to proper authority upon request. Personnel assigned remedial drivers training must attend in the uniform of the day. Attendance is mandatory. Report to Pass & Registration at the end of the suspension/revocation period with proof of reinstatement when appropriate for action.

Copy to: Individual
Traffic Court Clerk (File)

ENCLOSURE (7)

08 JUL 2002

Traffic Offense Identification Decals

Identification of decals are assigned by the Traffic Court Hearing Officer or Security Officer, and are placed next to the indicator of the decal by Pass and Registration personnel as follows:

- SM** - Indicates that ONLY a female family member or children operate the vehicle
- SW** - Indicates that ONLY a male family member or children can operate the vehicle
- LSM** - Indicates that the Station Inspector has granted limited driving privileges to a male driver.
- LSW** - Indicates that the Station Inspector has granted limited driving privileges to a female driver.

AirStaO 5101.6M

08 JUL 2002

SECURITY DEPARTMENT
PSC BOX #8035
Marine Corps Air Station
Cherry Point, North Carolina 28533-0035

5560
PMO

From: Traffic Court Hearing Officer
To: Sergeant Major

Subj: FAILURE TO REPORT LETTER; CASE OF

Ref: (a) AirStaO 5101.6M

1. The above named individual was cited on _____ for the following violation(s) _____
2. Enclosure (5) of the reference states that if found guilty of the above violation(s), he/she could receive _____ points against his/her driving record and/or a _____ day/ month/year discretionary/mandatory suspension/revocation of their driving privileges aboard all government installations.
3. The above named individual failed to report to the Pass & ID Office, Building #251, within three (3) working days of the above citation, as required by the reference.
4. If the subject named individual fails to report to Pass & ID, building #251, to schedule a full traffic court hearing by 1600 on _____, it will constitute a Failure to Appear (FTA), and he/she will remain suspended indefinitely.

(TRAFFIC COURT NCO)

Copy to:
MCAS CPNC SGTMAJ
2DMAW SGTMAJ

ENCLOSURE (9)



UNITED STATES MARINE CORPS
SECURITY DEPARTMENT
Marine Corps Air Station
PSC BOX 8003
Cherry Point, North Carolina 28533-0003

AirStaO 5101.6M

08 JUL 2002

Date:

From: Traffic Court Clerk
To:

Subj: OFF-STATION OFFENSE NOTIFICATION

Ref: (a) MCO 5110.1C
(b) ASO 5101.6M

1. You were cited on _____ for the following violation(s):

- () DWI _____
- () DWI UNDERAGE _____
- () DWI REFUSAL _____
- () OTHER _____

2. You are scheduled to attend a hearing in the State of North Carolina on _____.

3. After adjudication in the State of North Carolina, you are instructed to report to Pass & ID, Bldg. 251, to inform the Traffic Court Clerk of dismissals or punishments and penalties imposed at the hearing.

4. You are hereby temporarily suspended in accordance with references (a) and (b). Upon reinstatement of your driver's license by the state of North Carolina, you are eligible to receive your driving privileges aboard MCAS Cherry Point by showing proof to the Traffic Court Clerk.

5. Your driving privileges were reinstated on _____.

6. If you are granted limited driving privileges by the State of North Carolina, you are instructed to submit an Administrative Action Form to the Commanding General (Attn: Station Inspector), Marine Corps Air Station, Cherry Point, via the appropriate chain of command requesting limited driving privileges aboard the Air Station.

ENCLOSURE (10)

AirStaO 5101.6M

08 JUL 2002

7. Reinstatements and limited privileges granted by the State of North Carolina will not automatically be imposed aboard the Air Station. The appropriate actions as listed above must be taken in order to obtain any driving privileges.

Signature of Traffic Court Clerk

Signature of Individual

ENCLOSURE (10)